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3 AMENDMENT TO SB87, AS ENGROSSED
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8 On page 1, line 26, delete "55" and insert in lieu
9 thereof the following:

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12 On page 2, line 3, after "who" insert the following:
13 requires assistance with a necessary daily life
14 function and
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16 On page 2, line 10, delete "Requires assistance in
17 order" and insert in lieu thereof the following:

18 Is unable
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20 On page 3, line 2, after the period, insert the
21 following:

22 An open public hearing shall be held, pursuant to
23 Section 15-22-23, Code of Alabama 1975, to consider the
24 medical parole of the inmate, and the inmate shall authorize
25 in advance in writing the use and disclosure of protected
26 health information (PHI) for consideration at the hearing and
27 by the staff of the Board of Pardons and Paroles. Notices of

1 the hearing shall be sent to public officials, victims, and
2 interested parties at least 30 days before the hearing,
3 pursuant to Sections 15-22-23, 15-22-26, and 15-22-36, Code of
4 Alabama 1975. The notice shall clearly state the inmate is
5 being considered for a "medical parole." Public officials,
6 victims, and interested parties shall have the opportunity to
7 provide input regarding the medical parole, offer testimony,
8 or both, in accordance with the rules and procedures of the
9 Board of Pardons and Paroles.

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11 On page 3, line 6, after "parole" insert the
12 following:

13 subject to the limitations provided under Section
14 15-22-28(e), Code of Alabama 1975

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16 On page 3, line 9, delete "or under a physician's
17 care"

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19 On page 3, line 10, after "year" insert the
20 following:

21 or received costly and frequent medical treatment
22 outside a Department of Corrections facility in the previous
23 12 months

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25 On page 3, line 12, delete "the year" and insert in
26 lieu thereof the following:

27 12 months

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On page 3, line 12, after "eligible" insert the following:

subject to the limitations provided under Section 15-22-28(e), Code of Alabama 1975

On page 3, line 14, delete "are eligible" and insert in lieu thereof the following:

may be considered

On page 3, line 17, delete "30" and insert in lieu thereof the following:

45

On page 3, after line 24, insert the following and reletter the subsequent subsections accordingly:

(c) No physical or medical condition that existed at the time of sentencing shall provide the basis for medical parole under this act, unless the inmate has become permanently incapacitated or terminally ill after the date of sentencing. In considering an inmate's eligibility for medical parole, the board shall take into consideration the age of the inmate at the time the crime was committed.

(d) No inmate shall be considered for medical parole unless he or she would be Medicaid or Medicare eligible at the time of release or a member of the inmate's family agrees in writing to assume financial responsibility for the inmate,

1 including, but not limited to, the medical needs of the
2 inmate.

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4 On page 4, line 2, after the period, insert the
5 following:

6 The inmate or his or her representative shall submit
7 to the board a suitable "home plan" outlining where the inmate
8 will reside and who will be the primary caretaker or
9 caretakers. If medical parole is granted, the parole officer
10 assigned to the case shall verify the offender's location and
11 current health condition monthly. If the seriousness of the
12 parolee's illness is determined to be falsified, or the
13 parolee's health condition improves substantially, or the
14 parolee otherwise violates the conditions of his or her
15 release, he or she is subject to having parole revoked.

16 (f) In determining eligibility factors for a medical
17 parole, the board shall take into consideration all of the
18 following factors:

19 (1) Risk for violence.

20 (2) Criminal history.

21 (3) Institutional behavior.

22 (4) Age of the inmate, currently and at the time of
23 the offense.

24 (5) Severity of the illness, disease, or
25 infirmities.

26 (6) All available medical and mental health records.

1 (7) Release plans, which include alternatives to
2 caring for terminally ill or permanently incapacitated inmates
3 in traditional prison settings.

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5 On page 4, line 8, delete "granted and"

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7 On page 4, line 10, after the period insert the
8 following:

9 The crimes for which the inmates have been convicted
10 shall also be provided in the annual report.

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12 On page 4, after line 14, insert the following new
13 subsection:

14 (h) This act shall not be deemed to grant any
15 entitlement or right to release. No inmate or anyone acting on
16 the inmate's behalf shall have the right to seek judicial
17 review.

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19 On page 4, line 16, delete "immediately" and insert
20 in lieu thereof the following:

21 six months